



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Paul Grogan
County Attorney
Montgomery County
Conroe, Texas

Dear Sir:

Opinion No. 0-7401

Re: May a county properly expend money for the purpose of creating an emergency corps for the purpose of aiding persons injured in automobile wrecks as well as other accidental injuries?

We have your recent letter requesting the opinion of this department on the above stated question. We quote from your letter as follows:

"The County Judge, Commissioners' Court, as well as many local citizens, are desirous of creating an emergency corps for the purpose of aiding persons injured in automobile wrecks as well as other accidental injuries, and are desirous of creating and sustaining such emergency corps by county funds.

"I find no statutory authority, nor do I find any statute prohibiting maintenance of such an emergency corps through county funds, and my purpose in writing you is to inquire if the county may properly expend money for such purpose?

"The funds expended by the county will be only for equipment. Services of various individuals will be voluntary without compensation.

"I would appreciate an opinion from you at your convenience with reference to the above."

We observe that you state in your letter that you find no statutory authority prohibiting the proposed expenditures of

county funds. (Underscoring ours). May we respectfully point out that the courts have repeatedly held that county Commissioners Courts may exercise only such authority as is conferred, expressly or by implication, by the Constitution and Statutes of this State and, therefore, no expenditures of county funds may be made for any purposes unless authorized by the Constitution and/or Statutes. (underscoring ours)

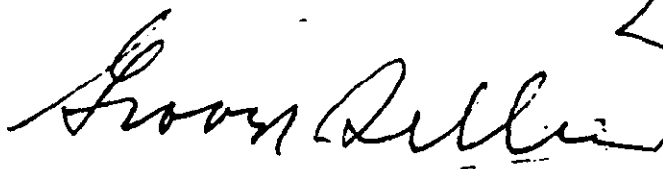
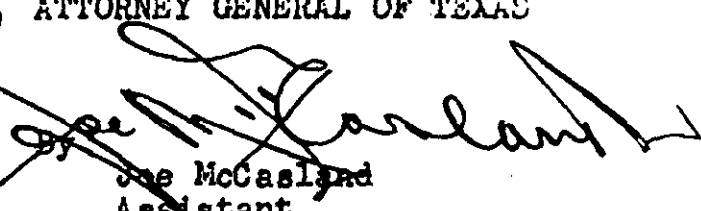
We have carefully considered the above question and fail to find any Statute or other authority authorizing the expenditure of county monies for the purposes stated.

Therefore, we respectfully answer your question in the negative.

We are enclosing copies of our Opinions Nos. O-591, O-5733, O-2419, O-4483 and O-5003 which elaborate fully the reasons for inhibiting expenditures of county funds in this instance and similar cases.

Yours very truly

ATTORNEY GENERAL OF TEXAS

 
Joe McCasland
Assistant

JMc:djm

Enclosures

